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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOSE SOTELO, individually,
Plaintiff,

vs.

STATE FARM FIRE AND CASUALTY
COMPANY, and DOES I through, and ROE
CORPORATIONS XI through XX, inclusive,
Defendant.

CASE NO.: 2:23-cv-01541-MMD-DJA

**REVISED STIPULATION AND ORDER
TO EXTEND DISCOVERY (First Request)**

Plaintiff, JOSE SOTELO (“Plaintiff”), by and through his attorneys of record, ANGULO LAW GROUP, and Defendant, STATE FARM FIRE AND CASUALTY COMPANY (“Defendant”), by and through its attorneys of record, HARPER | SELIM, (collectively, “the Parties”) submit the following Stipulation and proposed Order pursuant to LR ²⁶⁻³~~26-4~~ hereby agreeing to a ninety (90) day continuance of the current discovery deadline to give the parties additional time to facilitate Defendant’s Fed. R. Civ. P. 35 physical examination within a timeframe that will not prejudice the parties’ expert witnesses and the disclosure of their respective expert’s initial reports.

I. STATEMENT OF DISCOVERY COMPLETED TO DATE

1. The Parties participated in the Rule 26(f) conference on November 3, 2023.
2. Plaintiff has served his Initial Disclosure of Documents and Witnesses and 1 Supplement.
3. Defendant has served its Initial Disclosure of Documents and Witnesses.

4. Plaintiff has propounded initial written discovery on Defendant.

5. Defendant has propounded initial written discovery on Plaintiff.

6. Defendant has requested a Fed. R. Civ. P. 35 physical examination of Plaintiff.

II. STATEMENT OF DISCOVERY THAT NEEDS TO BE COMPLETED

1. The Parties need to respond to each other's pending written discovery.

2. Deposition of the Plaintiff.

3. Initial Expert Disclosures.

4. Rebuttal Expert Disclosures.

5. Expert witness depositions.

6. Depositions of Plaintiff's treating physicians.

7. Depositions of State Farm's claim personnel and Rule 30(b)(6) witness.

8. Additional written discovery.

III. REASONS WHY DISCOVERY SHOULD BE EXTENDED

The parties are diligently engaged in discovery. Based on the nature and extent of Plaintiff's alleged injuries and damages, Defendant requested that Plaintiff submit to a Fed. R. Civ. P. 35 physical examination by neurosurgeon James Forage, M.D. Plaintiff agreed to the examination; however, the parties have been unable to coordinate a date for the examination. Specifically, Dr. Forage is unable to conduct the examination prior to the January 26, 2024 discovery deadline for the parties to disclose their experts' reports. The parties had contemplated December 21, 2023, January 11, 2024; January 16, 2024 and January 23, 2024 to accomplish the examination but none of those dates are mutually convenient for all parties.

The parties are seeking a ninety (90) day continuance of the current discovery deadline to give the parties sufficient time to facilitate Defendant's Fed. R. Civ. P. 35 physical examination within a timeframe that will not prejudice the parties' expert witnesses and the disclosure of their respective expert's initial reports. The additional time will permit the examination to go forward at a date later than the current initial expert disclosure deadline, January 26, 2024, and enable their respective experts to timely prepare their reports.

IV. PROPOSED SCHEDULE FOR COMPLETING REMAINING DISCOVERY

It is hereby stipulated that the discovery cutoff deadline be extended for a period of ninety (90) days. If approved, the new discovery deadline would be modified as follows:

Task	Current Deadline	Proposed Deadline
Last day to amend pleadings and add parties	December 27, 2023	Closed
Last day to disclose initial experts and reports	January 26, 2024	April 25, 2024
Last day to disclose rebuttal experts and reports	February 26, 2024	May 28, 2024 ¹
Discovery cutoff	March 26, 2024	June 24, 2024
Last day to file dispositive motions	April 25, 2024	July 24, 2024
Pre-Trial order	May 28, 2024	August 26, 2024

DATED this 8th day of January 2024.

ANGULO LAW GROUP

/s/ Peter M. Angulo

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DATED this 8th day of January 2024.

HARPER | SELIM

/s/ James E. Harper

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ORDER

IT IS SO ORDERED.

DATED: 1/10/2024



UNITED STATES MAGISTRATE JUDGE

¹ This deadline falls on Sunday, May 26, 2024. As a result, this deadline extends to the next court day of Tuesday, May 28, 2024, by operation of Fed. R. Civ. P. 6.